

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 5:21-cr-23
)	
RICHARD E. MOORE)	

**DEFENDANT’S OPPOSITION TO MOTION *IN LIMINE*
TO LIMIT CROSS-EXAMINATION OF GOVERNMENT WITNESS**

COMES NOW, Defendant RICHARD E. MOORE, by counsel, and, in Opposition to the government’s Motion *in limine* to Limit Cross-Examination of Government Witness (ECF 146), states as follows.

1. The government seeks to limit Moore’s cross-examination of Rebecca Neal to exclude an inquiry into allegations of sexual molestation and abuse made in a civil complaint pending in the Western District. *Orlando v. Smith*, 5:22-cv-62-MFU-JCH (filed 10/24/2022). The government does not object to Moore’s mentioning the lawsuit to establish Ms. Neal’s bias (Moore is Sam Orlando’s guardian), but the government does object to Moore’s use of the lawsuit’s “salacious” allegations against Ms. Neal on cross-examination to “impeach her veracity.” (Motion, 1).

2. Ms. Neal’s credibility as a witness for the government is at issue. And, “a court may, on cross-examination, allow [a specific instance of conduct] be inquired into if probative of the character for . . . untruthfulness” of the witness. FRE 608(b). As the government notes, Ms. Neal testified under oath “in a deposition about the allegations raised in the complaint and has denied them.” A transcript of that deposition has been provided to Moore. (Motion, 2, n.2). However, in a second deposition taken much more recently, Ms. Neal once again testified about

the allegations of sexual molestation and abuse. Unfortunately, a transcript of the second deposition is not yet available to Moore but should be within the next 72 hours.

3. On information and belief, in her second deposition under oath Ms. Neal made statements about core allegations in the lawsuit that are wholly inconsistent with those she previously made under oath in her first deposition. If it is the case that Ms. Neal made inconsistent statements in her second deposition; Moore should be granted an opportunity to cross-examine Ms. Neal on the inconsistencies as such a query would be probative of the witness' credibility and her character for truthfulness or untruthfulness. *See* FRE 608(b).

4. Accordingly, Moore opposes the government's Motion at this juncture and requests the Court to reserve judgment for a short period until Ms. Neal's second transcript is received and reviewed.

WHEREFORE, Moore prays this Court reserve judgment on the government's Motion *in limine* to Limit Cross-Examination of Government Witness (ECF 146).

Dated: November 26, 2024

Respectfully submitted,

/s/ Mario B. Williams

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CERTIFICATE OF SERVICE

I, Mario B. Williams, hereby certify that on this 26th day of November, 2024, I electronically filed the foregoing Opposition to Motion *in limine* with the Clerk of the United States District Court for the Western District of Virginia using the CM/ECF system causing the foregoing said motion to be forwarded to all counsel of record.

/s/ Mario B. Williams

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